

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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LAWRENCE KOSA, et al.,

Plaintiffs,

v.

Case No. 13-11786

INTERNATIONAL UNION, et al.,

Defendants.

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**ORDER TO SUBMIT JOINT MEMORANDUM ON STATUS OF NEW DISCOVERY  
AND SETTING STATUS CONFERENCE**

The court held a status conference off the record on November 28, 2016, in which counsel participated. In accordance with the court's prior order, the parties submitted joint proposed jury instructions which highlighted areas of dispute. During this conference, Defendants identified job application records likely in the possession of a third party, General Motors, LLC, ("GM") which may be pertinent to dispositive factual questions. Plaintiffs agreed that these documents were important and explained that they have long had a subpoena pending to retrieve these same records as well. Fact discovery has already closed. However, in view of the fact that these records are of substantial importance to the remaining factual questions and may aid in the more economical resolution of outstanding disputes between the parties, the court encourages the parties to obtain these records promptly and will consider them to be supplements to the existing factual record. To that end, the court orders the parties to submit a joint memorandum by Friday, December 30, 2016, which outlines the status of

the outstanding discovery requests to GM and any further discovery efforts that may be necessary.

The parties have also indicated a willingness to consider facilitative mediation for some Plaintiffs to obviate trial or motion practice. The court will not require mediation of unwilling parties, though the court views mediation as a productive enterprise. Should the parties decide that they would like to pursue this path, they are directed to convene and submit to the court a joint report which identifies the Plaintiffs who will participate, proposed mediators, and an approximate time when this mediation should be conducted.

IT IS ORDERED that the parties shall submit a joint memorandum discussing the status of outstanding discovery by **Friday, December 30, 2016, at 5:00 P.M.**

IT IS FURTHER ORDERED that all counsel appear for a status conference on **February 6, 2017, at 3:30 P.M. in the Federal Courthouse in Detroit, Michigan.**

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: November 29, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 29, 2016, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522

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